

104TH CONGRESS
2D SESSION

H. R. 3596

To provide for the establishment of the Oil Region National Heritage Area,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1996

Mr. CLINGER (for himself and Mr. ENGLISH of Pennsylvania) introduced the
following bill; which was referred to the Committee on Resources

A BILL

To provide for the establishment of the Oil Region National
Heritage Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Region National
5 Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the Oil Region of Northwestern Pennsylva-
9 nia, with numerous sites and districts listed on the
10 National Register of Historic Places, and designated

1 by the Governor of Pennsylvania as one of the State
2 Heritage Park Areas, is a region with tremendous
3 physical and natural resources and possesses a story
4 of State, national, and international significance;

5 (2) the single event of Colonel Edwin Drake's
6 drilling of the world's first successful oil well in
7 1859 has affected the industrial, natural, social, and
8 political structures of the modern world;

9 (3) two national historic districts in Franklin
10 and Titusville as well as 18 separate National Reg-
11 ister sites are located within the State Heritage
12 Park boundary;

13 (4) The Allegheny River, which was designated
14 as a component of the national wild and scenic riv-
15 ers system in 1992 by Public Law 102-271, tra-
16 verses the Oil Region and connects several of its
17 major sites, as do some of the river's tributaries
18 such as Oil Creek, French Creek, and Sandy Creek;

19 (5) the unspoiled rural character of the Oil Re-
20 gion provides many natural and recreational re-
21 sources, scenic vistas, and excellent water quality for
22 people throughout the United States to enjoy;

23 (6) remnants of the oil industry, visible on the
24 landscape to this day, provide a direct linkage to the
25 past for visitors, as do the historic valley settle-

1 ments, riverbed settlements, plateau developments,
2 farmlands, and industrial landscapes;

3 (7) the transformation of the region from an
4 agrarian economy to one of the world's first indus-
5 trial economies and the site where many of the inno-
6 vations used in the oil industry today were devel-
7 oped, was a direct result of the discovery of oil in
8 the region;

9 (8) the Oil Region also represents a cross-sec-
10 tion of American history associated with Native
11 Americans, frontier settlements, the French and In-
12 dian War, African-Americans and the Underground
13 Railroad, and immigration of the Swedish and Pol-
14 ish, among others;

15 (9) despite the efforts of the Commonwealth of
16 Pennsylvania, local subdivisions of the Common-
17 wealth, volunteer organizations, and private busi-
18 nesses, the cultural, national, and recreational re-
19 sources of the region have not realized their full po-
20 tential and may be lost without assistance from the
21 Federal Government; and

22 (10) many local, regional, and Commonwealth
23 agencies, businesses, and private citizens have ex-
24 pressed an overwhelming desire to combine forces
25 and work cooperatively to preserve and enhance the

1 resources of the Oil Region State Heritage Park,
2 and have completed the long-range plan for the Oil
3 Region Heritage Park to that end.

4 (b) PURPOSE.—The purpose of this Act is to enhance
5 a cooperative management framework to assist the Com-
6 monwealth of Pennsylvania, its units of local government,
7 and area citizens in retaining, enhancing, and interpreting
8 the significant features of the lands, water, and structures
9 of the Oil Region, in a manner consistent with positive
10 economic impact and development for the benefit and in-
11 spiration of present and future generations in the Com-
12 monwealth of Pennsylvania and the United States.

13 **SEC. 3. DEFINITIONS.**

14 For purposes of this Act:

15 (1) AREA.—The terms “Area” and “National
16 Heritage Area” mean the Oil Region National Herit-
17 age Area designated by section 4(a).

18 (2) COMMISSION.—The term “Commission”
19 means the Oil Region National Heritage Area Advi-
20 sory Commission established by section 5.

21 (3) COMMONWEALTH.—The term “Common-
22 wealth” means the Commonwealth of Pennsylvania.

23 (4) COMPACT.—The term “Compact” means an
24 agreement described in section 6.

1 (5) CORPORATION.—The term “Corporation”
2 means the Oil Heritage Region Corporation, the
3 management entity incorporated by the Corporation
4 Bureau of the Pennsylvania Department of State on
5 October 16, 1995, and activated effective January 4,
6 1996, to preserve historic and cultural resources of
7 the Oil Region through the establishment, maintenance,
8 and operation of the Oil Heritage Region.

9 (6) GOVERNOR.—The term “Governor” means
10 the Governor of the Commonwealth of Pennsylvania.

11 (7) PLAN.—The term “Plan” means a Management
12 Plan described in section 10(b).

13 (8) POLITICAL SUBDIVISION.—The term “political
14 subdivision” means a political subdivision of the
15 Commonwealth of Pennsylvania (including a county,
16 city, township, water conservancy district, or special
17 district) any part of which is located in the Area.

18 (9) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 4. DESIGNATION OF OIL REGION NATIONAL HERITAGE**
21 **AREA.**

22 (a) ESTABLISHMENT.—Upon publication by the Secretary
23 in the Federal Register of notice that the Secretary
24 has signed the Compact (pursuant to section 6) there is

1 hereby designated in the Commonwealth of Pennsylvania
2 the Oil Region National Heritage Area.

3 (b) BOUNDARIES.—The boundaries of the Area shall
4 include those lands within the counties of Venango and
5 Crawford in the Commonwealth of Pennsylvania, com-
6 monly known as the Oil Region, as depicted in the “Plan
7 for the Oil Region Heritage Park”, dated March 1994.
8 The “Plan for the Oil Region Heritage Park” shall be on
9 file and available for public inspection in the Office of the
10 Director of the National Park Service, Washington, Dis-
11 trict of Columbia. As soon as practicable after the date
12 of enactment of this Act, the Secretary of the Interior
13 shall publish in the Federal Register a detailed description
14 and map of the boundaries of the Area.

15 (c) ADMINISTRATION.—The Area shall be adminis-
16 tered in accordance with this Act.

17 **SEC. 5. ESTABLISHMENT OF OIL REGION NATIONAL HERIT-**
18 **AGE AREA ADVISORY COMMISSION.**

19 (a) ESTABLISHMENT.—To assist in carrying out the
20 purpose of this Act, there is established a Commission to
21 be known as the “Oil Region National Heritage Advisory
22 Commission”. The Commission shall consist of 13 mem-
23 bers, appointed as follows:

24 (1) 1 member appointed by the Secretary to
25 represent the Department of the Interior.

1 (2) 1 member appointed by the Secretary of
2 Agriculture to represent the Department of Agri-
3 culture.

4 (3) 4 members appointed by the Governor of
5 Pennsylvania, of which 1 represents the Pennsylv-
6 ania Department of Conservation and Natural Re-
7 sources and 3 represent agencies participating in the
8 Pennsylvania State Heritage Park Interagency Task
9 Force.

10 (4) 7 members appointed by the Governor of
11 Pennsylvania, subject to the concurrence of the
12 United States Representative to the Congress from
13 the Fifth Congressional District of Pennsylvania, to
14 represent private and public interests from the prin-
15 cipal communities in the Oil Region National Herit-
16 age Area.

17 (b) TIME OF APPOINTMENTS.—Appointments de-
18 scribed in paragraphs (1) and (2) of subsection (a) shall
19 be made not later than 6 months after the date of the
20 enactment of this Act.

21 (c) DUTIES.—The Commission shall serve in an advi-
22 sory capacity to the Oil Heritage Region, Inc., the locally
23 based private, nonprofit management corporation which
24 will oversee the development of the Oil Region National
25 Heritage Park, as described in the “Plan for the Oil Re-

1 gion Heritage Park”. The Commission shall confer with
2 the Oil Heritage Region, Inc., on a regular basis regarding
3 matters which involve State or Federal policy, technical
4 assistance, and funding.

5 (d) TERMS.—Each member of the Commission shall
6 be appointed for a term of 5 years, except as provided
7 in subsection (e).

8 (e) VACANCIES.—Any vacancy in the Commission
9 shall be filled in the same manner in which the original
10 appointment was made. Any member appointed to fill a
11 vacancy occurring before the expiration of the term for
12 which the member’s predecessor was appointed shall be
13 appointed only for the remainder of that term.

14 (f) CHAIRPERSON.—The Commission shall elect a
15 chairperson from among its members. The term of office
16 of the chairperson shall be 2 years.

17 (g) QUORUM.—A simple majority of Commission
18 members shall constitute a quorum.

19 (h) MEETINGS.—The Commission shall meet at the
20 call of the chairperson or a majority of its members, but
21 not less than 2 times each year.

22 (i) COMPENSATION.—Members of the Commission
23 shall serve without compensation.

24 (j) TERMINATION.—The Commission shall terminate
25 10 years after its initial meeting, unless the Secretary

1 elects to extend the duration of the Commission for an
2 additional 5 years. In no event shall the duration of the
3 Commission extend beyond 15 years.

4 **SEC. 6. APPROVAL OF COMPACT.**

5 (a) SUBMISSION.—The Area may be designated
6 under section 4 only if the Corporation, within 180 days
7 of the date of the enactment of this Act, submits to the
8 Secretary for approval a proposed Compact for the Area
9 signed by the Governor of Pennsylvania.

10 (b) COMPACT.—

11 (1) IN GENERAL.—The Compact submitted
12 under this Act with respect to an area proposed for
13 designation as a National Heritage Area shall con-
14 sist of an agreement between the Secretary and the
15 Governor of Pennsylvania. Such agreement shall de-
16 fine the area, describe anticipated programs for the
17 area, and include information relating to the objec-
18 tives and management of the area. Such information
19 shall include, but need not be limited to, each of the
20 following:

21 (A) BOUNDARIES.—A delineation of the
22 boundaries of the proposed National Heritage
23 Area.

24 (B) MANAGEMENT ENTITY.—An identifica-
25 tion and description of the management entity

1 that will administer the proposed National Her-
2 itage Area.

3 (C) PARTNERS.—A list of the initial part-
4 ners to be involved in developing and imple-
5 menting the Management Plan for the proposed
6 Area, and a statement of the financial commit-
7 ment of the partners.

8 (D) GOALS, OBJECTIVES, AND CONCEPTUAL
9 FRAMEWORK.—A discussion of the goals,
10 objectives, and cost of the proposed National
11 Heritage Area, including an explanation of—

12 (i) the conceptual framework, pro-
13 posed by the partners referred to in sub-
14 paragraph (C), for development and imple-
15 mentation of the Plan for the National
16 Heritage Area; and

17 (ii) the costs associated with the con-
18 ceptual framework.

19 (E) ROLE OF STATE.—A description of the
20 role of the State in which the proposed National
21 Heritage Area is located.

22 (2) CONSISTENCY WITH ECONOMIC VIABIL-
23 ITY.—The Compact submitted under this Act with
24 respect to an area proposed for designation under

1 this Act shall be consistent with continued economic
2 viability in the communities within the area.

3 (3) PREPARATION OF COMPACT.—The Compact
4 submitted under this Act shall be prepared with
5 public participation and in compliance with the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4321 et seq.).

8 (4) INITIATION OF ACTIONS.—Actions called for
9 in the Compact shall be initiated within a reasonable
10 time after designation of the National Heritage Area
11 and shall ensure effective implementation of the
12 State and local aspects of the Compact.

13 (c) APPROVAL, DISAPPROVAL, AND REVISIONS OF
14 COMPACT.—The Secretary shall approve or disapprove the
15 Compact submitted under this Act. If the Secretary dis-
16 approves the Compact, the Secretary shall advise the Cor-
17 poration and Commission, in writing, of the reasons for
18 the disapproval and shall make recommendations for revi-
19 sions of the Compact. The Secretary shall approve or dis-
20 approve a proposed revision to the Compact within 90
21 days after the date on which the revision is submitted to
22 the Secretary.

23 **SEC. 7. ADVICE BY SECRETARY.**

24 In accordance with the purpose of this Act, the Sec-
25 retary may advise the Commonwealth and political sub-

1 divisions thereof, the Corporation, the Commission, non-
2 profit organizations, and other appropriate entities re-
3 garding suitable methods of recognizing and conserving
4 thematically and geographically linked natural, historic,
5 and cultural resources and recreational opportunities in
6 the Area.

7 **SEC. 8. WITHDRAWAL OF DESIGNATION.**

8 (a) IN GENERAL.—The designation of the Area
9 under this Act, after taking effect under section 4, shall
10 continue unless—

11 (1) the Secretary determines that—

12 (A) the National Heritage Area no longer
13 meets the criteria referred to in section 9;

14 (B) the use, condition, or development of
15 the Area is inconsistent with the criteria re-
16 ferred to in section 9, the Compact, or the
17 Plan; or

18 (C) the National Heritage Area is no
19 longer supported by the residents of the Area
20 (which may be demonstrated by a request from
21 the Governor of Pennsylvania or a petition re-
22 flecting the interest of residents of the Area);
23 and

24 (2) after making a determination referred to in
25 paragraph (1), the Secretary submits to the Con-

1 gress notification that the designation of the Area
2 under this Act should be withdrawn.

3 (b) PUBLIC HEARING.—Before the Secretary makes
4 a determination referred to in subsection (a)(1) regarding
5 the National Heritage Area, the Secretary or a designee
6 shall hold a public hearing within the Area.

7 (c) TIME OF WITHDRAWAL OF DESIGNATION.—The
8 withdrawal of the designation of the Area under this Act
9 shall become final 90 legislative days after the Secretary
10 submits to the Congress the notification referred to in sub-
11 section (a)(2) regarding the Area.

12 **SEC. 9. CRITERIA.**

13 After designation under section 4, the Area shall re-
14 tain its designation as a National Heritage Area only if
15 the Area meets each of the following criteria:

16 (1) ASSEMBLAGE OF RESOURCES.—The Area is
17 an assemblage of natural, historic, or cultural re-
18 sources that—

19 (A) together represent distinctive aspects
20 of American heritage worthy of recognition,
21 conservation, interpretation, and continuing
22 use; and

23 (B) are best managed as such an assem-
24 blage, through partnerships among public and
25 private entities.

1 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
2 FOLKLIFE.—The Area reflects traditions, customs,
3 beliefs, or folklife, or some combination thereof, that
4 are a valuable part of the story of the Nation.

5 (3) CONSERVATION OF NATURAL, CULTURAL,
6 OR HISTORIC FEATURES.—The Area provides out-
7 standing opportunities to conserve natural, cultural,
8 or historic features, or some combination thereof.

9 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
10 TUNITIES.—The Area provides outstanding rec-
11 reational and educational opportunities.

12 (5) THEMES AND INTEGRITY OF RESOURCES.—
13 The Area has an identifiable theme or themes, and
14 resources important to the theme or themes retains
15 integrity capable of supporting interpretation.

16 (6) SUPPORT.—Residents, nonprofit organiza-
17 tions, other private entities, and governments within
18 the Area demonstrate support for designation of the
19 Area and for management of the Area as appro-
20 priate for the designation.

21 (7) AGREEMENTS.—The principal organization
22 and units of government supporting the designation
23 are willing to commit to agreements to work in part-
24 nership to implement the Plan for the Area.

1 (8) CONSISTENCY WITH ECONOMIC VIABIL-
2 ITY.—The Plan is consistent with continued eco-
3 nomic viability in the affected communities.

4 **SEC. 10. MANAGEMENT PLAN.**

5 (a) SUBMISSION OF PLAN.—No assistance or funding
6 may be provided under this Act after the date which is
7 2 years after the designation of the Area under this Act
8 unless the Corporation submits a Management Plan to the
9 Governor and the Secretary on or before such date. Such
10 submission shall include a written certification that the
11 Plan has been endorsed or disapproved by the Commis-
12 sion.

13 (b) CONTENTS OF PLAN.—A Management Plan sub-
14 mitted under this Act for the Area shall present com-
15 prehensive recommendations for conservation, funding,
16 management, and development of the Area. The Plan shall
17 be prepared with public participation. The Plan shall take
18 into consideration existing Federal, State, county, and
19 local plans and involve residents, public agencies, and pri-
20 vate organizations in the Area. The Plan shall include a
21 description of actions that political subdivisions of the
22 Commonwealth and private organizations are rec-
23 ommended to take to protect the resources of the Area.
24 The Plan shall specify existing and potential sources of
25 funding for the conservation, management, and develop-

1 ment of the Area. The Plan also shall include the follow-
2 ing, as appropriate:

3 (1) An inventory of the resources contained in
4 the Area, including a list of property in the Area
5 that should be conserved, restored, managed, devel-
6 oped, or maintained because of natural, cultural, or
7 historic significance of the property as it relates to
8 the Area.

9 (2) A recommendation of policies for resource
10 management. Such recommendation shall consider
11 and detail application of appropriate land and water
12 management techniques, including development of
13 intergovernmental cooperative agreements to manage
14 the historical, cultural, and natural resources and
15 the recreational opportunities of the Area in a man-
16 ner consistent with the support of appropriate and
17 compatible economic viability.

18 (3) A program, including plans for restoration
19 and construction, for implementation of the Plan by
20 the management entity specified in the Compact for
21 the Area and specific commitments, for the first 5
22 years of operation of the Plan, by the partners iden-
23 tified in the Compact.

1 (4) An analysis of means by which Federal,
2 State, and local programs may best be coordinated
3 to promote the purpose of this Act.

4 (5) An interpretive plan for the Area.

5 **SEC. 11. TECHNICAL AND OTHER ASSISTANCE.**

6 (a) TECHNICAL ASSISTANCE.—The Secretary may
7 provide technical assistance to the Commonwealth, politi-
8 cal subdivisions of the Commonwealth, or the Corporation
9 regarding Plan revisions and implementation.

10 (b) ASSISTANCE UNDER PROGRAM.—If the Congress
11 establishes a National Heritage Areas Program or similar
12 program within the Department of the Interior to assist
13 National Heritage Areas, the Oil Region National Herit-
14 age Area shall be eligible for the technical and grant as-
15 sistance available to National Heritage Areas under such
16 program.

17 **SEC. 12. PRIVATE PROPERTY PROTECTION.**

18 (a) LIMITATION ON INCLUSION OF PRIVATE PROP-
19 ERTY IN NATIONAL HERITAGE AREA.—No privately
20 owned property shall be included within the boundaries of
21 the Area unless the government of the county, city, or
22 township in which the property is located agrees to be so
23 included and submits notification of such agreement to the
24 Secretary. If, at any time after the designation of the
25 Area, the government of the county, city, or township

1 which submitted such notification requests to be removed
 2 from the Area, the Secretary and Governor shall revise
 3 the Compact for the Area to exclude the county, city, or
 4 township from the Area.

5 (b) ACCESS TO PRIVATE PROPERTY.—No provision
 6 of this Act shall be construed to require any private prop-
 7 erty owner to permit public access to such private prop-
 8 erty. No provision of this Act shall be construed to modify
 9 any provision of Commonwealth law with regard to public
 10 access to or use of private lands.

11 (c) PARTICIPATION OF PRIVATE PROPERTY OWNERS
 12 IN OIL REGION NATIONAL HERITAGE AREA.—No provi-
 13 sion of this Act shall be construed to require any private
 14 property owner located within the boundary of the Area
 15 to participate in or be associated with the Area.

16 **SEC. 13. LACK OF EFFECT ON LAND USE REGULATION.**

17 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
 18 MENTS.—No provision of this Act shall be construed to
 19 modify, enlarge, or diminish any authority of the Federal
 20 Government, Commonwealth government, or political sub-
 21 divisions of the Commonwealth to regulate any use of land
 22 as provided for by law or regulation.

23 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
 24 TITY.—No provision of this Act shall be construed to

1 grant powers of zoning or land use to the management
2 entity for the Area.

3 (c) NO CONDITIONING OF APPROVAL AND ASSIST-
4 ANCE BY SECRETARY ON LAND USE RESTRICTIONS.—
5 The Secretary may not, as a condition of approving the
6 Compact or the determination of eligibility for technical
7 assistance under this Act, require enactment or modifica-
8 tion of land use restrictions.

9 **SEC. 14. FISHING AND HUNTING SAVINGS CLAUSE.**

10 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
11 designation of the Area under this Act shall not diminish
12 the authority of the Commonwealth to manage fish and
13 wildlife, including the regulation of fishing and hunting
14 within such Area.

15 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
16 ANCE BY SECRETARY ON FISHING AND HUNTING RE-
17 STRICTIONS.—The Secretary may not, as a condition of
18 the approval of the Compact or the determination of eligi-
19 bility for technical assistance under this Act, require limi-
20 tations on fishing, hunting, or trapping, and neither the
21 Secretary nor any other Federal agency may condition the
22 receipt, in connection with the National Heritage Area
23 status of the Area, of any other form of assistance from
24 the Secretary or such agencies on such limitations.

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